

# Clayton, Howarth & Cannon

## CH&C

*Attorneys At Law • A Professional Corporation*

Physical Address:

1225 East Fort Union Boulevard, Suite 300  
Midvale, Utah 84047

Mailing Address:

P.O. Box 1909  
Sandy, Utah 84091

Telephone (801) 255-5335 Facsimile (801) 255-5338

---

## FACSIMILE MEMORANDUM

---

TO: Commissioner for Patents  
Attention: Examiner Vivek Srivastava

FACSIMILE NUMBER: (703) 872-9314

FROM: Grant R. Clayton  
Clayton, Howarth & Cannon, P.C.

DATE: October 13, 2003

RE: Applicant: Lovell B. Ivie et al.  
Title: INFORMATION COMMUNICATION SYSTEMS  
Serial No.: 09/044,040  
Filed: January 7, 1998  
Attorney Docket No.: T2701.DIV

NUMBER OF PAGES: 33 (INCLUDING COVER PAGE)

If you do not receive the complete document, please call (801) 255-5335 as soon as possible. Our fax number is (801) 255-5338.

---

THE PAGES THAT FOLLOW MAY CONTAIN SENSITIVE, PRIVILEGED OR CONFIDENTIAL INFORMATION INTENDED SOLELY FOR THE ADDRESSEE NAMED ABOVE. IF YOU RECEIVE THIS MESSAGE AND ARE NOT THE AGENT OR EMPLOYEE OF THE ADDRESSEE, AND HAVE THEREFORE BEEN SENT OR RECEIVED THIS COMMUNICATION IN ERROR, YOU ARE ASKED NOT TO DISSEMINATE OR COPY ANY OF THE ATTACHED AND TO NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE. PLEASE ALSO RETURN THE ORIGINAL MESSAGE TO THE SENDER BY MAIL. THANK YOU.

---

Transmitted by: kd

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Lovell B. Ivie et al. )  
 )  
 TITLE: INFORMATION )  
 COMMUNICATION SYSTEMS )  
 )  
 SERIAL NO.: 09/044,040 ) RESPONSE A WITH AMENDMENT  
 )  
 FILED: January 7, 1998 )  
 )  
 EXAMINER: V. Srivastava )  
 )  
 ART UNIT: 2611 )

---

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

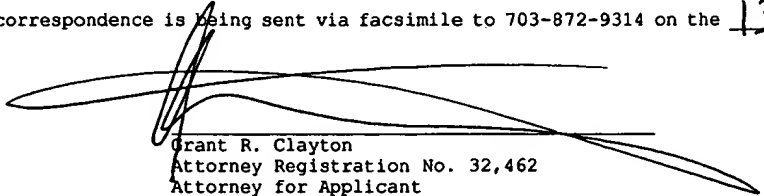
Responsive to the Office Action, Paper No. 12, mailed August 18, 2003, Applicant requests entry of this Response A With Amendment and reconsideration of the above-captioned application. This response addresses every ground of rejection set forth in the Office Action.

This response is filed within the shortened statutory period for response of three (3) months that was set for response to the Office Action. Accordingly, no additional fee is required.

---

Certificate of Facsimile Correspondence Under 37 C.F.R. § 1.6

I hereby certify that this correspondence is being sent via facsimile to 703-872-9314 on the 13 day of October, 2003.

  
 Grant R. Clayton  
 Attorney Registration No. 32,462  
 Attorney for Applicant

Application No. 09/044,040  
Amendment dated October 13, 2003  
Response to Office Action of August 18, 2003

---

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 50-0836.

The total number of independent and dependent claims under examination has not increased and therefore no additional fee in this regard is required.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks** begin on page 16 of this paper.

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions and listings of claims in the application.

1-24 (Cancelled)

25. (Currently amended) A system for distributing electronic information signals from a central location in a structure to at least a first room, a second room, and a third room, the system comprising:

support means for holding a plurality of connectors, said support means comprising a panel, said panel having at least some of the plurality of connectors mounted thereon;

first input means for receiving a first information signal;

a first set of connectors connected to the support means, the first set of connectors including a coaxial cable connector, an optical fiber connector, and a twisted pair connector, the first set of connectors adapted for conveying electronic information signals between the central location and the first room;

a second set of connectors connected to the support means, the second set of connectors including a coaxial cable connector, an optical fiber connector, and a twisted pair connector, the second set of connectors conveying electronic

information signals between the central location and the second room;

a third set of connectors connected to the support means, the third set of connectors including a coaxial cable connector, an optical fiber connector, and a twisted pair connector, the third set of connectors conveying electronic information signals between the central location and the third room; and

interconnection means for communicating the electronic information signals present on the first input means to any of the first, second, or third, sets of connectors such that the information signal can be selectively conveyed to any of the first, second, or third rooms in the structure, said interconnection means being disposed at the central location and allowing any of the electronic information signals to be selectively conveyed to only one of the first, second, or third rooms in the structure such that the electronic information signals may be conveyed to only one of the first, second, or third rooms in the structure or a plurality of rooms in the structure.

26. (Previously presented) A system for distributing electronic information signals as defined in claim 25 wherein the

means for supporting comprising a front panel and a housing and wherein the information signal is simultaneously conveyed to all of the first, second, and third rooms in the structure.

27. (Previously presented) A system for distributing electronic information signals as defined in claim 25 wherein the means for receiving a first information signal comprises a coaxial cable.

28. (Currently amended) A system for distributing electronic information signals as defined in claim 27 wherein the means for receiving a ~~third~~ first information signal further comprises an optical fiber.

29. (Currently amended) A system for distributing electronic information signals as defined in claim 28 wherein the means for receiving a ~~second~~ first information signal further comprises a twisted pair cable.

30. (Previously presented) A system for distributing electronic information signals as defined in claim 25 wherein the coaxial cable connector comprises an RG6 connector.

31. (Previously presented) A system for distributing electronic information signals as defined in claim 25 wherein the twisted pair connector comprises a CAT5 connector.

32. (Previously presented) A system for distributing electronic information signals as defined in claim 25 wherein each of the first, second, third, and fourth set of connectors each comprise two coaxial cable connectors, two optical fiber connectors, and two twisted pair connectors.

33. (Previously presented) A system for distributing electronic information signals as defined in claim 25 wherein the first interconnection means comprises a length of coaxial cable including a coaxial cable connector positioned at each end thereof.

34. (Previously presented) A system for distributing electronic information signals as defined in claim 25 wherein the second interconnection means comprises a length of optical fiber including an optical fiber connector positioned at each end thereof.

35. (Previously presented) A system for distributing electronic information signals as defined in claim 25 wherein the

third interconnection means comprises a length of twisted pair cable including a twisted pair connector positioned at each end thereof.

36. (Currently amended) An apparatus for conveying information signals from a first location to a second location, the apparatus comprising:

- a coaxial cable;
- an optical fiber cable;
- a twisted pair cable; and

means for bundling the coaxial cable, the optical fiber cable and the twisted pair cable together such that the coaxial cable, optical fiber cable and the twisted pair cable form an elongated set of three cables which are maintained substantially parallel and which can be bent during installation and use;

wherein a first end of the coaxial cable, optical fiber cable, and twisted pair cable are each connected to a dissemination means for selectively conveying the information signals to the coaxial cable, optical fiber, and twisted pair cable, said dissemination means located at the first location, said dissemination means comprising at least one patch cable over which the information signals travel.



37. (Previously presented) An apparatus for conveying information signals from a first location to a second location as defined in claim 36 wherein the coaxial cable extends from the first location to the second location.

38. (Previously presented) An apparatus for conveying information signals from a first location to a second location as defined in claim 36 further comprising a coaxial cable connector connected to an end of the coaxial cable.

39. (Previously presented) An apparatus for conveying information signals from a first location to a second location as defined in claim 36 further comprising a twisted pair connector connected to an end of the twisted pair cable.

40. (Previously presented) An apparatus for conveying information signals from a first location to a second location as defined in claim 36 further comprising a fiber optic connector connected to an end of the optical fiber cable.

41. (Currently amended) A dwelling including an electronic information distribution system comprising:

a structure comprising:

a first room;

a second room; and

a third room;

a central location sited in the structure;

a first electronic information circuit entering the dwelling and conveying electronic information to the central location for distribution throughout the structure;

a first bus comprising a coaxial cable, a plurality of twisted conductors, and a fiber optic cable, the first bus extending from the central location to the first room;

a second bus comprising a coaxial cable, a plurality of twisted conductors, and a fiber optic cable, the second bus extending from the central location to the second room;

a third bus comprising a coaxial cable, a plurality of twisted conductors, and a fiber optic cable, the third bus extending from the central location to the third room;

dissemination means, sited at the central location, for selectively conveying any electronic information present on

the first electronic circuit to any of the first, second, or third buses.

42. (Previously presented) A residential dwelling including an electronic information distribution system as defined in claim 41 further comprising:

a second electronic information circuit entering the dwelling and conveying electronic information to the central location; and

a third electronic information circuit entering the dwelling and conveying electronic information to the central location;

and wherein:

the first electronic information circuit comprises a coaxial cable;

the second electronic information circuit comprises an optical fiber; and

the third electronic information circuit comprises a twisted pair cable.

43. (Previously presented) A residential dwelling including an electronic information distribution system as defined in claim

41 wherein each of the first, second, third and fourth buses comprise two coaxial cables, two twisted pair cables, and two optical fibers.

44. (Previously presented) A residential dwelling including an electronic information distribution system as defined in claim 41 wherein the dissemination means comprises a length of cable selected from the group consisting of coaxial cable, twisted pair cable and optical fiber cable and connectors attached to each end of the length of cable.

45. (Previously presented) A panel having a plurality of standard connectors, the panel comprising:

a plurality of groups of connectors, each group of connectors corresponds to a location in a structure;

a patch cord, the patch cord including a connector at a first end which is received by one of the group connectors, the patch cord second end connected to a service signal wherein the service signal can be switched from one location in the structure to another by disconnecting the patch cord from a connector in a first group and connecting it to another connector in a second group.

46. (Currently amended) A panel as defined in claim 45 wherein the structure comprises a structure selected from the group consisting of a residence and a ~~business~~ commercial structure.

47. (Previously presented) A panel as defined in claim 45 wherein the service signal comprises a signal selected from the group consisting of a telephone signal, a data signal, an internet signal, a satellite signal, and a cable signal.

48. (Currently amended) A set of information carrying media extending from a first location to a second location, said set of information carrying media comprising:

a distribution panel disposed at the first location, said distribution panel having at least one CAT5 connector, at least one optical fiber cable connector, and at least one RG6 coaxial cable connector disposed thereon;

at least one twisted pair cable, each of the at least one twisted pair cable having a first end attached to one of the at least one CAT5 connector;

at least one optical fiber cable, each of the at least one optical fiber cable having a first end attached to one of the at least one optical fiber cable connector; and

at least one coaxial cable, each of the at least one coaxial cable having a first end attached to one of the at least one RG6 coaxial cable connector;

wherein said at least one twisted pair cable, said at least one optical fiber cable, and said at least one coaxial cable are joined together to form a bundle, said set of information carrying media being capable of carrying telephone signals, television signals, radio frequency signals, and light signals from said first location to said second location.

49. (Previously presented) A set of information carrying media extending from a first location to a second location as defined in claim 48 wherein said at least one twisted pair cable comprises two twisted pair cables.

50. (Previously presented) A set of information carrying media extending from a first location to a second location as defined in claim 48 wherein said at least one optical fiber cable comprises two optical fiber cables.

51. (Previously presented) A set of information carrying media extending from a first location to a second location as

defined in claim 48 wherein said at least one coaxial cable comprises two coaxial cables.

52. (Previously presented) A set of information carrying media extending from a first location to a second location as defined in claim 48 wherein said at least one twisted pair cable comprises two twisted pair cables, said at least one optical fiber cable comprises two optical fiber cables, and said at least one coaxial cable comprises two coaxial cables.

53. (Previously presented) A set of information carrying media extending from a first location to a second location as defined in claim 48 wherein said set of information carrying media has a bandwidth, said bandwidth being greater than a bandwidth of coaxial cable and a bandwidth of a plurality of twisted pairs cables.

54. (Currently amended) A set of information carrying media extending from a first location to a second location as defined in claim 48 wherein said at least one twisted pair cable is attached to a twisted pair connector at a second end.

Application No. 09/044,040  
Amendment dated October 13, 2003  
Response to Office Action of August 18, 2003

---

55. (Currently amended) A set of information carrying media extending from a first location to a second location as defined in claim 48 wherein said at least one optical fiber cable is attached to an optical fiber connector at a second end.

56. (Currently amended) A set of information carrying media extending from a first location to a second location as defined in claim 48 wherein said at least one coaxial cable is attached to a coaxial cable connector at a second end.



Application No. 09/044,040  
Amendment dated October 13, 2003  
Response to Office Action of August 18, 2003

**REMARKS**

As an initial matter, Applicant expresses appreciation to the examiner for the personal interview conducted on October 3, 2003, and the guidance provided toward allowance of the claims. During the interview, the pending independent claims, the cited references and the proposed amendments were discussed and a sample of Applicant's multimedia receptacle was examined.

Claims 25-56 are presented for reconsideration by the Examiner. The Examiner's objections and rejections will each be addressed below. Based upon the amendments to the claims and the discussion contained below, Applicant believes that each of the claims should be allowable over the prior art.

**I. REJECTIONS OF CLAIMS UNDER 35 U.S.C. § 102**

According to the Office Action, claims 36-41, 44, 48, 51 and 53-56 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Gutenson et al, U.S. Patent No. 5,043,531 (hereinafter "Gutenson"). Applicant believes based upon the amendments to the claims and the arguments set forth below, that these claims should now be allowable over Gutenson.

First, regarding claims 36-40, claim 36 has been amended, as indicated above, to incorporate a dissemination means. Since the

new element is expressed as means-plus-function, 35 U.S.C. § 112, sixth paragraph, is invoked. This section states:

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

Under applicable authority, an analysis of § 112, sixth paragraph consists of: 1) defining the function to be performed by reference to the claim language and the specification, Rite-Hite Corp. v. Kelley Co., Inc., 819 F.2d 1120, 1123; 2 U.S.P.Q.2d 1915, 1917 (Fed Cir. 1987); 2) identifying all structure disclosed in the specification that performs that defined function, Sage Products, Inc. v. Devon Industries, Inc., 126 F.3d 1420, 1428, 44 U.S.P.Q.2d 1103, 1110 (Fed Cir. 1997); and then 3) determining whether the alleged prior art "has the same or an equivalent structure as the structure described in the specification corresponding to the claim's means." Alpex Computer Corp. v. Nintendo Co., 102 F.3d 1214, 1222; 40 U.S.P.Q.2d 1667, 1673 (Fed. Cir. 1996).

Applicant submits that when the above recited analysis is applied, as it must be, to the recited dissemination means as claimed by Applicant in amended claim 36, Gutenson does not anticipate the present invention.

First, according to the first prong of the above recited analysis, it is clear that the function to be performed by the dissemination means is for selectively conveying the information signals to the coaxial cable, optical fiber, and twisted pair cable providing flexibility and adaptability not previously available in the art.

According to the second prong, the structure disclosed in the specification for performing the defined function must be identified. Accordingly, the specification of the present application discloses a number of illustrative embodiments that each correspond to the defined function, and said embodiments are not anticipated by Gutenson or any of the other prior art. FIGS. 2A, 2B, and 3, 4, 4A, 4B, and 4C all illustrate structures of different illustrative embodiments that function as a dissemination means. The related portions of the application describing said figures and their features are hereby incorporated by reference into this response and will not be reproduced here in their entirety except as set forth below.

FIGS. 2A and 2B portray one illustrative embodiment of a dissemination means. FIGS. 2A and 2B shows at least one set of connectors mounted on a panel. Each of the sets of connectors comprises at least one coaxial connector, at least one twisted pair

connector, and at least one fiber optic connector. These connectors may be commercially available devices that snap into apertures formed in a panel. (Application, page 21, lines 1-5). Furthermore, this illustrative embodiment comprises a signal processor which can be "devised to combine, modulate, and condition (using digital or analog techniques) any signals which enter" the distribution box. (Application, page 19, lines 16-21). In addition, the signal processor may "be devised to route signals using passive signal splitting techniques." (Application, page 19, lines 21-23). The signal processor may also "gather and disseminate information signals generated" within the structure. (Application, page 20, lines 4-6).

FIGS. 4 and 4A portray the illustrative embodiment in FIGS. 2A and 2B with exemplary interconnections. Additional wire restraining devices and a terminal strip are optionally present (reference numerals 174 and 176), which constitute additional illustrative structures that may, but are not required, to be present in a dissemination means.

FIG. 3 shows another illustrative embodiment of a dissemination means. FIG. 3 shows at least one set of connectors mounted on a front panel of a housing. Each of the sets of connectors comprises at least one coaxial connector, at least one

twisted pair connector, and at least one fiber optic connector. Again, this embodiment also comprises a signal processor with the same features as described above. In addition, also represented in FIG. 3 is an optional telephone system control box for containing a telephone control system.

FIG. 4B illustrates the back side view of the illustrative embodiment in FIG. 3. This figure shows optional NEMA compatible receptacles arranged as a power strip. Also present is an optional mud ring. The mud ring "functions to allow passage of the plurality of cables making up the buses." (Application, page 36, lines 21-23). It is not necessary that the receptacles and mud ring be present in every embodiment but are illustrative of one embodiment which is useful in applications which can be selected by those skilled in the art.

FIG. 4C shows still another illustrative embodiment of a dissemination means. This embodiment is configured to be mounted into a wall cavity between wall studs. Again, FIG. 4C shows at least one set of connectors mounted on a front panel of a housing. Each of the sets of connectors comprises at least one coaxial connector, at least one twisted pair connector, and at least one fiber optic connector. A cover may be provided which opens and closes over the panel. The cover may be domed shaped.

Having identified various structures disclosed in the specification for performing the defined function, we move onto the third prong of the above analysis, which is, to determine whether the alleged prior art discloses the same or equivalent structure as described above. Applicant believes that the underlying structure, or its equivalent, of the dissemination means as claimed is not taught by Gutenson.

In particular, neither Gutenson, nor any of the art now of record in this application, teaches a coaxial connector, a twisted pair connector and a fiber optic connector mounted on a single panel of a distribution box. Simply put, Gutenson does not disclose any structure or specific location whatsoever suggesting how or where these connections are made at the central location. It appears from FIG. 2 of Gutenson that these connections are internal and may use other connection types as is known in the art, such as hard wiring or terminal boards.

Further, Gutenson does not disclose or suggest the use of an optional telephone system control box for containing a telephone control system, NEMA compatible receptacles arranged as a power strip, terminal strips, wire retraining devices or a mud ring as is present in one embodiment of the present invention. Moreover, Gutenson does not disclose or suggest the use of a box mounted into

a wall cavity as is present in another embodiment of the present invention. At a minimum, these distinct embodiments should render the pertinent claims to be allowable. Therefore, under means-plus-function analysis, claims 36-40 should be allowable and the same is respectfully requested since Gutenson does not teach or suggest any of the structure associated with any of the various embodiments of the present invention.

Next, in regards to the rejection of claim 41 under § 102, it should be noted that none of the remarks presented herein are intended to impose or effectuate any narrowing of the scope of the claims, rather the remarks are simply intended to remind the Patent Office of the original scope of the claims that already existed at the time of filing. The rejections made in the Office Action appear to be directed to claims that simply do not presently exist in the application. Accordingly, the remarks presented herein simply reiterate the already existing scope of the claims as constituted at the time the claims were filed. The claims as originally filed should be construed in the future, under applicable authority, in the very same manner that they would have been construed if the remarks below had never been made. Additionally, the remarks made herein are not necessary to establish patentability because the claims as originally filed have

novel, distinct features, upon which patentability rests, which claims are unanticipated and nonobvious.

The nature and gist of the reiterations below, all of which are redundant and duplicative of the original specification and 35 U.S.C. § 112, sixth paragraph, is that the claims as originally filed already are of a scope that does not ensnare the prior art relied upon in the Office Action. Since the amendments made to the pertinent independent claim are for clarification of the subject matter being claimed, and such amendments are not needed to distinguish over the art of record, none of the points made herein operate to change the scope of the claim as originally presented and nothing in response operates as an estoppel. Accordingly, this response and all remarks made herein are not made to overcome the relied upon art, but rather to explain why the art does not apply.

Applicant submits that claim 41 rejected under § 102(b) is not anticipated by Gutenson. The Office Action on page 4 specifically states that in regards to the dissemination means as recited in claim 41, that "Gutenson discloses splitter 80 within central location . . . for selectively conveying any electronic information present on the first electronic circuit to and of the first, second or third busses." Applicant submits that Gutenson does not anticipate the invention as claimed because, at a minimum, Gutenson



does not disclose a dissemination means as has been originally claimed by Applicant and therefore each and every limitation is not present in the Gutenson reference. Other aspects of the present invention, not expressly referred to herein, may also be unanticipated by Gutenson.

Applicant's dissemination means, as recited in the claims, is written in means-plus-function language and invokes § 112, sixth paragraph. The three part test under § 112, sixth paragraph, as stated above requires that: 1) defining the function to be performed by reference to the claim language and the specification, Rite-Hite Corp., 819 F.2d at 1123; 2 U.S.P.Q.2d at 1917; 2) identifying all structure disclosed in the specification that performs that defined function, Sage Products, 126 F.3d at 1428, 44 U.S.P.Q.2d at 1110; and then 3) determining whether the alleged prior art "has the same or an equivalent structure as the structure described in the specification corresponding to the claim's means." Alpex Computer Corp., 102 F.3d at 1222; 40 U.S.P.Q.2d at 1673. Applicant submits that when the above analysis is applied, as it must be, to a dissemination means as originally claimed, Gutenson does not anticipate the invention.

According to the first prong of the above analysis, it is clear that the function to be performed by the dissemination means

is for "selectively" conveying any electronic information present on the first electronic circuit to any of the first, second, or third buses.

According to the second prong, all structure disclosed in the specification for performing that defined function must be identified. Accordingly, the specification of the present invention discloses at least one illustrative embodiment that corresponds to the defined function, and said embodiment(s) is not anticipated by Gutenson. As discussed previously, FIGS. 2A, 2B, 3, 4, 4A, 4B, and 4C illustrate the various structures associated with the dissemination means. Said discussion is hereby incorporated here by reference and will not be repeated.

The third prong of the above analysis is to determine whether the alleged prior art has the same or the equivalent structure of the claimed structure. Applicant submits that the structure disclosed in the Gutenson reference does not contain structure equivalent to the structure disclosed in support of the claims in the originally filed application of the present invention.

First, a splitter as disclosed in Gutenson and used by the Examiner to support the rejection of claim 41, cannot selectively distribute a signal and therefore cannot anticipate the claimed dissemination means. As is known in the art, a splitter is

typically a device having no circuitry to selectively distribute a signal, but instead splits an incoming signal to all connected outlets. Gutenson makes no suggestion that the splitter disclosed therein has this functionality or that it would be desired to have this functionality. Gutenson does state that the splitter "connects the upstream and downstream coaxial cables from segment 52A to each of the segments that are distributed to various locations in the home." (Column 5, lines 35-37). This is consistent with the operation of a splitter as is known in the art. Since the splitter does not have the same structure or function as the claimed dissemination means, there can be no anticipation on this element.

Furthermore, Gutenson fails to disclose a set of connectors mounted together on a panel which also constitutes part of the claimed dissemination means. As discussed previously, Gutenson makes no mention of how or in what manner the connections are made at the central location. For these reasons, claim 41 should be allowable over Gutenson. Likewise, since claim 44, which was also rejected under § 102(b), is dependent upon claim 41, should also be allowable.

In regards to the rejection of claim 48, claim 48 has been amended, see above, to include a "distribution panel disposed at

the first location, said distribution panel having at least one CAT5 connector, at least one optical fiber cable connector, and at least one RG6 coaxial cable connector mounted thereon . . . ." As discussed previously, neither Gutenson nor the remaining references now of record in this application disclose or suggest how or in what manner or location the cables are attached at the central location. Specifically, there is no suggestion in the art cited in the Office Action of a distribution panel having a CAT 5 connector, an optical fiber connector, and an RG6 connector disposed thereon. Therefore, claim 48 should now be allowable. In addition, since claims 51 and 53-56 are dependent upon claim 51, they should also be allowable.

## II. REJECTIONS OF CLAIMS UNDER 35 U.S.C. § 103

Regarding the rejection of the claims under 35 U.S.C. § 103, Applicant's counsel has carefully studied the reasoning for the rejections provided in the Office Action, together with the two (2) references relied upon. Applicant respectfully submits that certain aspects of the invention are unanticipated, nonobvious and thus claims directed thereto are allowable.

First, in regards to claim 25, the Office Action fails to establish a *prima facie* case for obviousness. To establish a *prima*

*facie* case for obviousness three following basic criteria must be met.

First, there must be some suggestion or motivation to modify the reference, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

M.P.E.P § 2143.

In regards to the first criteria, Gutenson clearly teaches away from the invention in claim 25 since it would have been pointless to modify Gutenson to include a first, second and third set of connectors at the central location. Gutenson has only one bundled cable leading from a central location to a splitter and therefore three sets of connectors at the central location would render Gutenson unsatisfactory for its intended purpose. In addition, the present invention utilizes a topology which requires a plurality of connectors at the central location whereas Gutenson utilizes a topology which requires only one connection at the central location. Further, the connection taught by Gutenson may be a hard wire connection that does not even utilize the connectors recited in the claims.

In regards to the third criteria, all of the claim limitations are not taught or suggested by Gutenson and therefore the rejection

cannot stand. See M.P.E.P § 2143.03. In particular, Gutenson does not teach or suggest a support means having a plurality of sets of connectors connected thereon. Several different illustrative embodiments of a support means are shown in FIGs. 2A, 2B, and 3, 4, 4A, 4B, and 4C of the present application. A close examination of the service center (reference no. 32) in FIG. 2 of Gutenson reveals that all of the systems appear to be separate (note the plurality of boxes) and are not integrated into a single housing like the support means recited in some of the claims for the present invention. In other words, Gutenson appears to actually teach away from using a single distribution panel, e.g. the support means, for mounting sets of connectors, each set having a coaxial connector, a twisted pair connector, and a fiber optic connector. Regardless, Gutenson makes no mention of any panel or manner in which the bundled cable is connected to the service center, and therefore, a *prima facie* case cannot be supported because all of the claimed elements are not taught or suggested in Gutenson. Applicant submits that the invention defined in the claims provides advantages not known previously in the art which accrue with having a single distribution panel with coaxial, twisted pair and fiber optic connectors mounted thereon.

Regarding the rejection of claim 45, Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness. In particular, the cited reference Johnston, U.S. patent no. 6,017,238, (hereinafter "Johnston") was filed on June 9, 1998, almost six (6) months after the filing of the present application and therefore does not qualify as prior art. See M.P.E.P § 2141.01.

Even if Johnston was a valid reference, the Examiner still has not established a *prima facie* case of obviousness under the three criteria set forth above. In particular, the Johnston reference fails to teach or suggest all of the limitations of the rejected claims. In the Office Action, it is incorrectly stated, in regards to Gutenson, that "the connectors connecting the coaxial cable and twisted wire pairs to the respective gateways provide distribution of signals to specific outlets 82 or 'locations' throughout the home in figure 2." As previously explained, Gutenson utilizes a topology comprising a splitter (see FIG. 2). The splitter does not allow routing to specific locations but instead splits an incoming signal to all outlets and not to any one specific location in a structure. Further, the splitter does not comprise the appropriate hardware to allow patching as does the claimed

Application No. 09/044,040  
Amendment dated October 13, 2003  
Response to Office Action of August 18, 2003

---

invention. Therefore, the rejection of claim 45 is inappropriate and should be withdrawn.

Regarding the rejection of claims 30, 42, 43, 46, 47 49, 50, and 52 under § 103, Applicant submits that based upon the arguments for the allowability of their respective independent claims, that they should each be allowable since they are dependent upon allowable claims.

### III. CONCLUSION

In view of the foregoing, Applicant believes that claims 25-56 are all allowable and the same is respectfully requested. If any impediment to the allowance of these claims remains after entry of

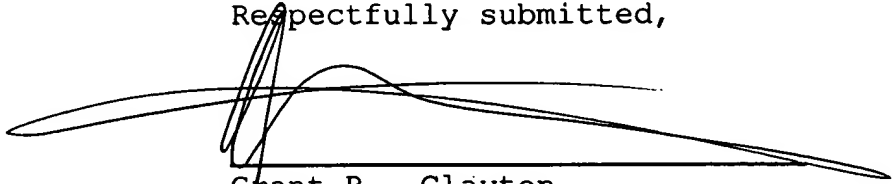


Application No. 09/044,040  
Amendment dated October 13, 2003  
Response to Office Action of August 18, 2003

this Amendment, and such impediment could be alleviated during a telephone interview, the Examiner is invited to initiate the same.

DATED this 13 day of October, 2003.

Respectfully submitted,



Grant R. Clayton  
Attorney Registration No. 32,462  
Attorney for Applicant

Clayton, Howarth & Cannon, P.C.  
P.O. Box 1909  
Sandy, Utah 84091  
Telephone: (801) 255-5335  
Facsimile: (801) 255-5338

GRC/BJD

S:\CHC Files\T 2--\T2701\T2701.DIV\t2701div.response\_a.040.Final.wpd